

PATRICK E. PREMO (CSB NO. 184915)
ppremo@fenwick.com
DENNIS M. FAIGAL (CSB NO. 252829)
dfaigal@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

MARY E. MILIONIS (CSB NO. 238827)
mmilionis@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Plaintiff
deCarta, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DECARTA, INC.

Plaintiff,

v.

GEOCENTRIC OYJ,

Defendant.

Case No. C08 02620 (RS)

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO DISMISS
DEFENDANT'S COUNTERCLAIMS
PURSUANT TO RULE 12(b)(6) OR, IN
THE ALTERNATIVE, MOTION TO
STRIKE PURSUANT TO RULE 12(f)**

Date: August 6, 2008
Time: 9:30 a.m.
Courtroom: 4, 5th Floor
Judge: Hon. Richard Seeborg

The Motion to Dismiss Defendant and Counterclaimant Geosentric, OYJ's ("Geosentric") Counterclaims for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, Motion to Strike pursuant to Federal Rule of Civil Procedure 12(f) brought by Plaintiff and Counterclaim-Defendant deCarta, Inc. ("deCarta") came on regularly for hearing before this Court on August 6, 2008, at 9:30 a.m., in Courtroom 4, 5th Floor. Both deCarta and Geosentric were represented by counsel. After full consideration of the briefs in support and in opposition thereto, all other papers submitted in connection therewith, all other matters on file in this action and presented to the Court, and having heard the arguments of counsel,

IT IS HEREBY ORDERED that deCarta's Motion is **GRANTED** as follows:

All claims in Geosentric's Counterclaims are **DISMISSED**. Additionally, the following allegations are struck from the Counterclaim:

- Counterclaim ¶ 31: "...proximately causes [sic] substantial damage to Geosentric and its predecessors in interest in an amount exceeding \$1 million"; and,
- Prayer for Relief at ¶ 1: "For compensatory damages in excess of \$1,000,000."

IT IS SO ORDERED.

Dated: _____, 2008

Hon. Richard Seeborg
United States Magistrate Judge